

## **REMARKS**

Claims 1-35 are pending in this application and all claims stand rejected. However, the Office Action states that claims 9, 10 and 11-25 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112 discussed below, and (in the case of claims 9 and 10) if they were rewritten in independent form. Applicants do not agree with the 35 USC 102 rejection in the Office Action and reserve the right to file divisional and/or continuation applications directed to any of the subject matter originally claimed in this application. However, applicants desire to secure early issue of a patent on this application and accordingly have restricted the claims to subject matter indicated as (at least potentially) allowable in the Office Action.

More specifically, since the Office Action indicated that (subject to overcoming the 35 USC 112 rejection), claim 9 would be allowable if rewritten in independent form, claim 1 has been amended to incorporate therein the features of original claim 9. Since claim 1 now refers to two different particles, the particle originally referred to in claim 1 is now identified as the first particle. To deal with the 35 USC 112 rejection of original claim 9, the phrase "type of" originally appearing in claim 9 has not been included in amended claim 1. Accordingly, since claim 1 is now identical in scope to claim 9 rewritten in independent form, it is allowable for the reasons indicated in the Office Action.

Claims 2-4 have been amended consequential upon the aforementioned amendments in claim 1. More specifically, since claim 1 now refers to polymeric shells on both the first and second particles, claims 2-4 have been amended to clarify that the polymer shell being referred to is that of the first particle.

Claims 5-8 are unchanged. Claim 9 has been cancelled as redundant over claim 1 as now amended. Claim 10 has been amended to depend from claim 1 instead of claim 9, to effect minor changes consequential upon the amendment of claim 1 and to remove the reference to "type" of particle. Since all of claims 2-8 and 10 depend ultimately from claim 1, they are allowable for the same reasons as claim 1.

Claim 11 has been amended to remove the references to types of particles and to replace them with references to "a plurality of first electrically charged particles" and "a plurality of second electrically charged particles". Basis for these amendments is found, *inter alia*, in Figures 1A, 1B, 2A, 2B, 3A and 3B, all of which show the electrophoretic medium containing a plurality of both particles. Logically, pluralities of first and second particles must be present in the electrophoretic medium of claim 11 to provide a basis for the reference to homoaggregation in the last part of the claim.

Claims 12-25 are unchanged. Claim 42 has been added to give applicants the full scope of the protection to which they consider themselves entitled. Claim 42 parallels claim 10 but is dependent upon claim 11. Accordingly, basis for claim 42 is found, *inter alia*, in claim 10.

Claims 11-25 and 42 are accordingly allowable for the reasons stated in the Office Action.

No new matter is introduced by any of the aforementioned amendments.

Reconsideration and allowance of all claims remaining in this application is respectfully requested.

This application now contains 25 claims, including 2 independent claims, whereas applicants have paid fees for 41 claims, including 7 independent claims. Accordingly, no additional claim fees are required by this Amendment. However, since the prescribed period for responding to the Office Action expired September 22, a Petition for a two month extension of this period is filed herewith.

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